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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 TIFFANY BRINKLEY, on
12 behalf of herself and others
13 similarly situated,

Plaintiff,

CASE NO. 16-cv-1103-WQH-WVG
ORDER

14 vs.
15 MONTEREY FINANCIAL
16 SERVICES, INC.; DOE NO. 1
17 MONTEREY FINANCIAL
18 SERVICES, LCC; and DOES 1
19 through 100, inclusive;

Defendants.

20 HAYES, Judge:

21 Before the Court is the Joint Status Report (ECF No. 65) filed on November 30,
22 2017.

23 On October 15, 2013, Plaintiff commenced this action in the Superior Court of
24 the State of California for the County of San Diego by filing a Complaint (ECF No. 1-3
25 at 2). On May 6, 2016, Defendant Monterey Financial Services, Inc. and Defendant
26 Monterey Financial Services, LLC (the “Defendants”) removed this action to this Court
27 pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. §§ 1332(d)(2), 1453(b).
28 (ECF No. 1).

1 On May 13, 2016, Defendants filed a Motion to Dismiss pursuant to Federal Rule
2 of Civil Procedure 12(b)(6), (ECF No. 7), and a Motion for Judgment on the Pleadings
3 pursuant to Federal Rule of Civil Procedure 12(c), (ECF No. 8). Plaintiff filed
4 Responses to those motions on June 6, 2016. (ECF Nos. 16, 17). Defendants filed
5 Replies to Plaintiff's Responses on June 13, 2016. (ECF Nos. 18, 19).

6 Plaintiff filed a Motion to Remand (ECF No. 12) on May 19, 2016. On
7 September 15, 2016, the Court issued an Order allowing "the parties a period of 60 days
8 to engage in limited jurisdictional discovery." (ECF No. 21 at 11). On March 23, 2017,
9 the Court issued an Order granting Plaintiff's Motion to Remand and denying the
10 Defendants' Motion to Dismiss and Motion for Judgment on the Pleadings as moot.
11 (ECF No. 55).

12 On September 5, 2017, the Court of Appeals granted Defendants' petition for
13 permission to appeal the Order granting Plaintiffs' Motion to Remand. (ECF No. 57).
14 On October 20, 2017, the Court of Appeals vacated the Order granting Plaintiff's
15 Motion to Remand and remanded the action to this Court for further proceedings. (ECF
16 No. 63). On November 15, 2017 this Court ordered the parties to submit a status report
17 by December 1, 2017. (ECF No. 62).

18 On November 30, 2017, the parties filed the Joint Status Report (ECF No. 65).
19 The parties request that the Court take the Defendants' Motion to Dismiss (ECF No. 7)
20 and Motion for Judgment on the Pleadings (ECF No. 8) back under submission. *Id.* at
21 2-4. Plaintiff "seeks leave to file a supplemental brief in response to both of these
22 motions to address the Ninth Circuit's ruling in *Davidson v. Kimberly-Clark Corp.*, 873
23 F.3d 1103 (9th Cir. 2017), and its progeny." *Id.* at 2. Defendants do "not object to
24 Plaintiff filing a short supplemental brief solely to address *Davidson* and its progeny,
25 so long as Defendants have an opportunity to file a short response to any such
26 supplemental brief." *Id.* at 4.

27 The Court HEREBY DENIES the parties' request that the Court take the
28 Defendants' Motion to Dismiss (ECF No. 7) and Motion for Judgment on the Pleadings

1 (ECF No. 8) back under submission. Any motions that the parties elect to file shall be
2 filed in accordance with the Southern District of California's Local Rules and this
3 Court's Chamber Rules.

4 DATED: December 14, 2017

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6 **WILLIAM Q. HAYES**
7 United States District Judge

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